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PATENT
Attorney Docket No. 09700.0062-00
SAP Reference No. 2003P00323US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Johannes LAUTERBACH et al.) Group Art Unit: 2179
)
Application No.: 10/676,364) Examiner: Nicholas AUGUSTINE
)
Filed: September 30, 2003) Confirmation No.: 3223
)
For: DEVELOPING APPLICATIONS)
USING A METAMODEL)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed January 17, 2008, Appellants present this Brief and enclose herewith a fee of \$510.00. The period for filing the Appeal Brief extends through June 16, 2008 (June 15, 2008 being a Sunday), which is one month from the May 15, 2008 mailing date of a Notice of Panel Decision from Pre-Appeal Brief Review indicating that this application remains under appeal.

This Appeal responds to the Final Office Action mailed August 23, 2007, which finally rejected claims 1-22.

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I. Real Party in Interest

The real party in interest is SAP AG, the assignee of record.

II. Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellants, Appellants' legal representative, or assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by the combination of “Using the SNAP Development Environment” (“*SNAP*”), “Using the WFT Development Environment” (“*ENV*”), and “Developing a WFT Workflow System” (“*WFT*”).¹

¹ The Examiner cited numerous references but only three of those references, namely, *SNAP*, *ENV*, and *WFT*, were used to support the § 102(b) rejection.

IV. Status of Amendments

The proposed amendments in the Amendment After Final, filed on November 20, 2007, have been entered for purposes of appeal. The listing of claims in the Claims Appendix reflects the entry of the amendments.

V. Summary of Claimed Subject Matter

A. Independent Claim 1

The subject matter set forth in independent claim 1 relates to a computer program product, embodied in a tangible machine-readable storage device, for developing applications. Page 10, lines 14-15; page 48, lines 18-22. The computer program product is operable to cause a data processing apparatus to interact with data conforming to a data model. Page 48, lines 18-22. The data model comprises a component class. Page 15, lines 1-2; Fig. 3. The data model further comprises a model class associated with the component class. Page 15, lines 1-2; Fig. 3. The model class includes a model-class class and a model relation class. Page 15, lines 4-5 and 8-9; Fig. 3. The model-class class includes a model class attribute class. Page 15, line 8; Fig. 3. The model relation class includes a model relation role class. Page 15, lines 9-10; Fig. 3. The data model further comprises a controller class associated with the component class. Page 15, lines 11-12; Fig. 3. The controller class includes a context node class having a context attribute class. Page 15, lines 14-16. The context node class is associated with the model-class class and the model relation class. Page 15, lines 17-18; Fig. 13. The context attribute class is associated with the model class attribute class. Page 15, lines 18-19; Fig. 3. The data model further comprises a view class associated with the component class. Page 15, lines 11-12. The view class includes a user interface element class having a binding with either the context node class or the context attribute class. Page 15, lines 12-13; page 15, line 23 to page 16, line 1; Fig. 3.

B. Independent Claim 13

The subject matter set forth in independent claim 13 relates to a computer program product, embodied in a tangible machine-readable storage device, for developing applications. Page 10, lines 14-15; page 48, lines 18-22. The computer program product is operable to cause a data processing apparatus to generate an instance of a model. Page 15, lines 1-2; Fig. 3. The instance of the model includes a model class instance and a model relation instance. Page 15, lines 4-5 and 8-9; Fig. 3. The model class instance includes a model class attribute instance. Page 15, line 8; Fig. 3. The model relation instance includes a model relation role instance. Page 15, lines 9-10; Fig. 3. The computer program product is operable to cause a data processing apparatus to generate an instance of a controller. Page 15, lines 11-12; Fig. 3. The instance of the controller includes a context node instance having a context attribute instance. Page 15, lines 14-16; Fig. 3. The computer program product is operable to cause a data processing apparatus to generate an instance of a view. Page 15, lines 11-12. The instance of the view includes a user interface element instance. Page 15, lines 12-13; Fig. 3. The computer program product is operable to cause a data processing apparatus to associate the context node instance with the model class instance. Page 15, lines 17-18; Fig. 3. The computer program product is operable to cause a data processing apparatus to associate the context node instance with the model relation instance. Page 15, lines 17-18; Fig. 3. The computer program product is operable to cause a data processing apparatus to associate the context attribute

instance with the model class attribute instance. Page 15, lines 18-19; Fig. 3. The computer program product is operable to cause a data processing apparatus to associate the user interface element instance with one of the context node instance and the context attribute instance. Page 15, lines 12-13; page 15, line 23 to page 16, line 1; Fig. 3.

C. Independent Claim 16

The subject matter set forth in independent claim 16 relates to a system for developing applications. Page 10, lines 14-15; Fig. 1. The system comprises a repository including data conforming to a data model. Page 10, lines 16-18; Fig. 1. The data model comprises a component class. Page 15, lines 1-2; Fig. 3. The data model further comprises a model class associated with the component class. Page 15, lines 1-2; Fig. 3. The model class includes a model-class class and a model relation class. Page 15, lines 4-5 and 8-9; Fig. 3. The model-class class includes a model class attribute class. Page 15, line 8; Fig. 3. The model relation class includes a model relation role class. Page 15, lines 9-10; Fig. 3. The data model further comprises a controller class associated with the component class. Page 15, lines 11-12; Fig. 3. The controller class includes a context node class having a context attribute class. Page 15, lines 14-16; Fig. 3. The context node class is associated with the model-class class and the model relation class. Page 15, lines 17-18; Fig. 3. The context attribute class is associated with the model class attribute class. Page 15, lines 18-19; Fig. 3. The data model further comprises a view class associated with the component class. Page 15,

lines 11-12; Fig. 3. The view class includes a user interface element class having a binding with either the context node class and the context attribute class. Page 15, lines 12-13; page 15, line 23 to page 16, line 1; Fig. 3.

VI. Grounds of Rejection to Be Reviewed on Appeal

Claims 1-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by the combination of *SNAP*, *ENV*, and *WFT*.

VII. Argument

Appellants respectfully traverse the rejection of claims 1-22 under 35 U.S.C. § 102(b) as being anticipated *SNAP*, *ENV*, and *WFT*.

First, Appellants submit that the Examiner's use of multiple references in support of the rejection under § 102(b) is improper.

A person shall be entitled to a patent unless . . . (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

35 U.S.C. § 102 (emphasis added). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131, 8th Ed., Rev. 6 (Sept. 2007), quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). *SNAP*, *ENV*, and *WFT* are not a single printed publication or a single prior art reference. These references have different titles and different publication (release) dates. Therefore, this rejection is based on multiple references.

Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:

- (A) Prove the primary reference contains an "enabled disclosure;"
- (B) Explain the meaning of a term used in the primary reference; or
- (C) Show that a characteristic not disclosed in the reference is inherent.

M.P.E.P. § 2131.01. However, the Examiner did not combine the multiple cited references for any of the three reasons (i.e., (A), (B), or (C)) listed in M.P.E.P. § 2131.01.

Instead, the Examiner argues that the multiple references “constitute a single reference” (Final Office Action at 5) because “the three software modules [described separately in the three references] were part of a single software package offering and that they work together[,] . . . has been designed to seamlessly integrate and inter-operate with all of the others[,] . . . and . . . are designed to be used together” (Final Office Action at 11). However, there is no legal basis in statute or from case law for using multiple references to support a rejection under of 35 U.S.C. § 102 simply because the references disclose software modules that are allegedly offered as a single software package or are allegedly designed to integrate with one another and to be used together.

Therefore, the multiple references, *SNAP*, *ENV*, and *WFT*, cannot be combined to support a rejection under 35 U.S.C. § 102(b). Accordingly, Appellants respectfully object to the use of multiple references in support of the rejection under 35 U.S.C. § 102(b). Appellants, nonetheless, argue the merits of this rejection below.

In order to properly establish that the prior art anticipates Appellants' claims under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki*

Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Even assuming that *SNAP*, *ENV*, and *WFT* could be considered a single reference, which they cannot, such a “reference” does not teach or suggest each and every element of Appellants’ claims.

Independent claim 1 recites a combination including, for example, “a model class associated with the component class, the model class including a model-class class.” The cited references do not teach or suggest at least these elements of claim 1.

The Examiner alleges that page 4-4 and pages 4-10 to 4-14 of *SNAP* teach the claimed “model class,” “component class,” and “model-class class.” Final Office Action at 5-6. However, this is incorrect.

Nothing on pages 4-4 and 4-10 to 4-14 of *SNAP* can correspond to the claimed “model class,” “component class,” and “model-class class.” Moreover, even if classes in the cited portions of *SNAP* could correspond to the claimed “model class,” “component class,” and “model-class class,” which they cannot, *SNAP* fails to teach a “model class associated with the component class” and a “model class including a model-class class,” as required by claim 1 (emphases added). In other words, even if *SNAP* were to disclose the claimed classes, *SNAP* fails to teach or suggest the claimed relationships (e.g., “associated with” and “including”) between the claimed classes. Moreover, *ENV* and *WFT* also fail to teach the claimed classes and relationships between classes. Therefore, the cited references fail to teach or suggest all the elements of claim 1. For at least these reasons, the cited references fail to anticipate claim 1.

Independent claims 13 and 16, although different in scope from claim 1, are allowable over the cited references for at least reasons similar to those given for claim 1. In addition, dependent claims 2-12, 14, 15, and 17-22 are allowable over the cited references at least by virtue of their dependence from allowable base claims 1, 13, and 16. Accordingly, Appellants respectfully request that the Board reverse the Examiner's rejection of claims 1-22 under 35 U.S.C. § 102(b).

Conclusion

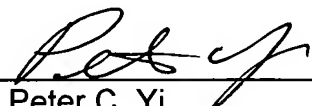
For the reasons given above, pending claims 1-22 are allowable and reversal of the Examiner's rejection is respectfully requested.

Please grant any extension of time required to enter this Appeal Brief and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: June 3, 2008

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VIII. Claims Appendix

1. A computer program product, embodied in a tangible machine-readable storage device, for developing applications, the computer program product being operable to cause a data processing apparatus to interact with data conforming to a data model, the data model comprising:
 - a component class;
 - a model class associated with the component class, the model class including a model-class class and a model relation class, the model-class class including a model class attribute class, and the model relation class including a model relation role class;
 - a controller class associated with the component class, the controller class including a context node class having a context attribute class, the context node class being associated with the model-class class and the model relation class, and the context attribute class being associated with the model class attribute class; and
 - a view class associated with the component class, the view class including a user interface element class having a binding with either the context node class or the context attribute class.

2. The computer program product of claim 1, wherein the data model further comprises a context element class that is a superclass of the context node class and the context attribute class.
3. The computer program product of claim 2, wherein the binding is associated with one of the context node class and the context attribute class using the context element class.
4. The computer program product of claim 1, wherein the association between the component class and the view class is an aggregation.
5. The computer program product of claim 1, wherein the association between the component and the controller is an aggregation.
6. The computer program product of claim 1, wherein the data model further includes an indicator that is used to determine a file border.
7. The computer program product of claim 1, wherein the data model further includes an indicator used to implement a platform-specific feature.
8. The computer program product of claim 1, wherein the data model further includes an indicator representing translatable text.

9. The computer program product of claim 1, wherein at least one of the associations in the data model is an aggregation, and wherein the data model further includes an indicator representing whether the aggregation is ordered.
10. The computer program product of claim 1, wherein the data model further includes an indicator representing a singular name.
11. The computer program product of claim 1, wherein the data model further includes an indicator representing whether an attribute is nullable.
12. The computer program product of claim 1, wherein the data model further includes an unassociated class defining enumeration attributes representing allowed values of a specific enumeration type.
13. A computer program product, embodied in a tangible machine-readable storage device, for developing applications, the computer program product being operable to cause a data processing apparatus to:

generate an instance of a model, the instance of the model including a model class instance and a model relation instance, the model class instance including a model class attribute instance, and the model relation instance including a model relation role instance;

generate an instance of a controller, the instance of the controller
including a context node instance having a context attribute
instance;

generate an instance of a view, the instance of the view including a user
interface element instance;

associate the context node instance with the model class instance;

associate the context node instance with the model relation instance;

associate the context attribute instance with the model class attribute
instance; and

associate the user interface element instance with one of the context node
instance and the context attribute instance.

14. The computer program product of claim 13, wherein the association between the controller instance and the context node instance is an aggregation.
15. The computer program product of claim 13, wherein the association between the model instance and the model class instance is an aggregation.
16. A system for developing applications, the system comprising a repository including data conforming to a data model, the data model comprising:
a component class;

a model class associated with the component class, the model class

including a model-class class and a model relation class, the

model-class class including a model class attribute class and the

model relation class including a model relation role class;

a controller class associated with the component class, the controller class

including a context node class having a context attribute class, the

context node class being associated with the model-class class and

the model relation class and the context attribute class being

associated with the model class attribute class; and

a view class associated with the component class, the view class including

a user interface element class having a binding with either the

context node class and the context attribute class.

17. The system of claim 16, wherein the data model further includes an indicator that is used to determine a file border.
18. The system of claim 16, wherein the data model further includes an indicator that is used to implement a platform-specific feature.
19. The system of claim 16, wherein the data model further includes an indicator representing translatable text.

20. The system of claim 16, wherein at least one of the associations in the data model is an aggregation, and wherein the data model further includes an indicator representing whether the aggregation is ordered.
21. The system of claim 16, wherein the data model further includes an indicator representing a singular name.
22. The system of claim 16, wherein the data model further includes an indicator representing whether an attribute is nullable.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.